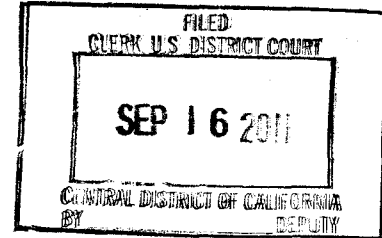


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6



7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 MORADA MUSIC, LLC, a
California limited liability
12 company,

13 Plaintiff,

14 vs.

15 JAMIE TATE, an individual,

16 Defendant.
17

) CASE NO.

CV11-07676MMM(MANX)

) COMPLAINT FOR:

) (1) LIBEL; and

) (2) TRADE LIBEL

) (JURY TRIAL DEMANDED)
18

19 Plaintiff, Morada Music, LLC ("MORADA") for its complaint
against defendant Jamie Tate ("TATE"), alleges as follows:

20 I.

21 **FIRST CLAIM FOR RELIEF FOR LIBEL**

22 **(AGAINST DEFENDANT JAMIE TATE)**

23 **JURISDICTION AND VENUE**

24 1. This Court has diversity jurisdiction, pursuant to
25 28 U.S.C. §1332(a)(1) in that the "... matter in controversy
26 exceeds the sum or value of \$75,000, exclusive of interest and
27 costs, and is between citizens of different States." The sole
28 ///

COMPLAINT

-1-

1 manager of Plaintiff MORADA, Marshall Blonstein, is a citizen of
2 the State of California. Defendant TATE is a citizen of the State
3 of Tennessee.

4 2. Pursuant to 28 U.S.C. 1391(a)(2), venue is
5 appropriate in the Central District of California in that a
6 "... substantial amount of the events or omissions giving rise to
7 the claim occurred within the Central District of California."

8 **THE PARTIES**

9 3. Plaintiff Morada Music, LLC ("MORADA") is a
10 California limited liability company, located at 79 East Daily
11 Drive, #507, Camarillo, California 93010.

12 4. Defendant Jamie Tate ("TATE") is an individual, who
13 is a citizen of Nashville, Tennessee.

14 **SUMMARY**

15 5. Plaintiff MORADA is a record and video company
16 located in Ventura, California. MORADA markets and sells its audio
17 products under "MORADA" or "AUDIO FIDELITY." Since its inception
18 in 2001, and continuing to the present, MORADA/AUDIO FIDELITY
19 ("M/AF") through its label, M/AF, has produced for sale one hundred
20 (100) very high quality audio compact discs and vinyl recordings.

21 6. Attached as Exhibit No. 1, is a listing of M/AF
22 products presently offered for sale, identified on the MORADA
23 website. The MORADA product list includes such recordings as:
24 "Simon and Garfunkel," "Alice Cooper," "Rod Stewart," and others.

25 7. Attached as Exhibit No. 2 is a listing of previously
26 released M/AF products.

27 8. MORADA sells and markets its M/AF audio products, to
28 among others, knowledgeable audio purchasers. The MORADA M/AF

1 product includes: (1) "Super Audio Compact discs," (that is a dual
2 layer compact discs); (2) traditional compact discs; (3) "24 karat
3 gold" compact discs; and (4) 180 gram vinyl (high end vinyl).
4 Remastering.

5 **REMASTERING**

6 9. During the 1950s to the 1980s, sound recordings were
7 created by taping on an analogue tape. With the 1980's advent of
8 digital recordings, recording sessions would be recorded by digital
9 transfer.

10 10. The initial recording session tapes are then mixed
11 to what are identified as analogue or, in the 1980s and thereafter,
12 digital "masters."

13 11. Upon the completion of the initial mixing, a
14 recording engineer and the record producer will take the "master"
15 and render artistic decisions in creating the recording to be
16 manufactured and sold.

17 12. Now, years after the creation of the masters,
18 plaintiff MORADA will obtain from the record company a copy of the
19 "master," or source copy, sometimes analogue, sometimes digital,
20 and MORADA sound engineers will create their version of a recording
21 previously released.

22 13. The MORADA creation of a recording, by the re-
23 mastering process, is both an artistic and a technical process that
24 requires hours of decisions and considerations as to how to present
25 the recordings. In essence, MORADA by and through its sound
26 engineers, is creating MORADA's version of the recording.

27 14. M/AF therefore creates "new" recordings from an
28 analogue or digital pre-existing source.

1 15. MORADA's audio engineers are Steven Hoffman
2 ("HOFFMAN") and Kevin Gray ("GRAY"), two (2) of the more prominent,
3 well recognized and award winning mastering engineers in the record
4 industry.

5 16. HOFFMAN and GRAY have a long established reputation
6 in the audio file community for outstanding mastering, creating a
7 "new" version of an audio work from pre-existing source material.

8 17. The U.S. Copyright office, as does copyright
9 jurisprudence recognize entitlement to a copyright in the re-
10 mastering and/or re-digitization of preexisting audio works.

11 **AUDIO FIDELITY'S REMASTERING PROCEDURE**

12 18. MORADA uses the highest level of playback
13 instruments and equipment.

14 19. MORADA's sound engineers expend many hours to review
15 and analyze the source material. The source tapes are analyzed for
16 different sound qualities, extensively reviewed, and re-analyzed.

17 20. MORADA then uses the most sophisticated equipment to
18 undertake the re-master, with the engineer expending numerous hours
19 and expense on each recording, to create the richest and fullest
20 most balanced sound.

21 21. MORADA's sound engineers provide artistic
22 modifications to tonality, dynamics, and refurbish the sonic
23 qualities to attempt to bring the sound quality to the highest
24 quality level.

25 **THE IMPORTANCE OF THE MORADA RE-MASTERING PROCESS**

26 22. MORADA's product is the "newly" mastered, M/AF
27 compact disc. MORADA is marketing, selling and offering for sale,
28

1 MORADA's version, M/AF's mastering of the source material, as a
2 preferred, improved, sound achieved by AUDIO's mastering process.

3 23. Defendant TATE's publications, which falsely assert
4 a lack of "integrity," or which falsely assert "incompetency" by
5 MORADA in MORADA's mastering process, is directed to the very
6 essence of what MORADA's promotes and indicates MORADA is
7 providing to the public.

8 MORADA'S FAVORABLE REVIEWS

9 24. From the inception of MORADA in 2001, to the
10 present, for ten (10) years, MORADA's M/AF digital recordings have
11 received continuous and numerous favorable reviews.

12 25. "Neufutur Magazine," February 1, 2011 "Stevie
13 Wonder-Fulfillingness, First Finale" (Gold CD) (Ex. No. 3) states:

14 "However, Audio Fidelity's release of this
15 slept-on Wonder classic has no additional
16 tracks or other aural (or visual) goo-gahs.
17 Rather, what the company has done here has
provided listeners with the most clear and
crisp recording of a Wonder album that I have
ever heard." (*Emphasis added.*)

18 26. "Tone Audio Magazine" (Ex. No. 4), February 17,
19 2010, Audio Fidelity Judas Priest, "Hell Bent for Leather," states:

20 "However the AF (Audio Fidelity) release is an
21 overall winner, because there is a lot less
22 compression and muddiness to the midrange on
23 the originals, and I'll give up some air to
24 hear both of those lead guitars blazing
25 distinctly in the remaster." (*Emphasis added.*)

26 27. News Source, August 12, 2009 (Ex. No. 5) "Alice
27 Cooper: School's Out," states:

28 "There is no denying that the procedure and
tech used to enhance the original is a
beneficial one as the songs on this reissue of
Schools' Out delivers a clarifying experience
that makes it more than a joy to revisit."
(*Emphasis added.*)

1 28. News Source, "Alice Cooper: Killer," (Ex. No. 6)
2 November 24, 2009, states:

3 "This 24Kt gold CD is a must-own for any Cooper
4 collector or fan.... It's incredibly well-
5 manufactured minus all the dynamic-killing
6 compression common to new re-masters of
7 albums." (*Emphasis added.*)

8 29. July 28, 2009, Chicago Sun Times review of "Deep
9 Purple," "In Rock (24kt Gold Reissue)" (Ex. No. 7) states:

10 "This album is especially powerful in every way
11 and the remaster highlights ever nuance with
12 precision. My hat is off again to Audio
13 Fidelity for turning a classic album into pure
14 audio gold." (*Emphasis added.*)

15 30. "BC Music Review," June 28, 2011 (Ex. No.8),
16 "Grateful Dead," states:

17 "Marshall Blonstein's Audio fidelity imprint
18 has just released two beautiful reissues on LP
19 from the Grateful Dead Catalog." (*Emphasis*
20 *added.*)

21 **STEVE HOFFMAN'S AUDIO FIDELITY WEBSITE FORUMS**

22 31. As alleged, from 2002 to the present, one of MORADA'
23 mastering engineers has been Steve Hoffman ("HOFFMAN"). During the
24 period 2002 to the present HOFFMAN has established and owns one of
25 the most well attended and respected Internet audio digital forums,
26 the "STEVE HOFFMAN TV MUSIC FORUM," ("HOFFMAN FORUM") where persons
27 provide opinions, observations and comments on different audio
28 companies and their products (Ex. No. 9).

29 32. As of July 29, 2011, there had been over 281 million
30 visits to the HOFFMAN FORUM (Ex. No. 9). The HOFFMAN forum
31 receives over one million visits per week.

32 ///

33 ///

DEFENDANT TATE'S BANISHMENT FROM THE HOFFMAN FORUM

33. During the period of time 2001 to 2010, defendant TATE, who identifies himself as an audio recording engineer, would often post comments on the HOFFMAN FORUM.

34. Defendant TATE used eight (8) e-mail identities on the HOFFMAN FORUM, and seven (7) aliases with the identical e-mail addresses under the names: (1) Jamie Tate 68.53.117.59; (2) Joe Schmengidy 68.53.117.59; (3) Mrs. Rukkus 68.53.117.59; (4) Jim Bloor 68.53.117.59; (5) Hats Domino 69.138.58.17; (6) The Gooch; (7) Mr Gibson; and (8) "Red Sprites," also with 69.138.158.17.

35. As a result of what were considered defendant TATE's improper postings, commencing in April, 2010, HOFFMAN (the owner of the HOFFMAN (internet) FORUM had TATE, and, thereafter, TATE's aliases, banned from the HOFFMAN FORUM (Ex. No. 9).

36. On August 16, 2002, TATE first joined the HOFFMAN FORUM under TATE's own name. TATE's last post on the HOFFMAN FORUM as TATE was April 14, 2010. On April 17, 2010, HOFFMAN banned TATE from further participation and postings under TATE's name on the HOFFMAN FORUM, the most recognized largest participation Internet audio forum.

37. After the April 17, 2010 ban, HOFFMAN then subsequently banned TATE, when TATE attempted to post on the HOFFMAN FORUM under TATE's aliases.

(a) TATE, aka "Hats Domino," joined the HOFFMAN FORUM on April 22, 2010. HOFFMAN banned TATE as "Hats Domino" on April 22, 2010.

///

///

1 (b) TATE, aka "Jim Bloor," joined the HOFFMAN FORUM on
2 October 2, 2009. HOFFMAN banned TATE as Jim Bloor on the HOFFMAN
3 Forum on July 17, 2010.

4 (c) TATE, aka "The Gooch," joined the HOFFMAN FORUM on
5 August 12, 2010. HOFFMAN banned TATE as "The Gooch" on
6 December 27, 2010.

7 (d) TATE, aka "Mr. Gibson," joined the HOFFMAN FORUM on
8 July 17, 2010. HOFFMAN banned TATE as "Mr. Gibson" on July 22,
9 2010.

10 (e) TATE, aka "Joe Schmengidy," joined the HOFFMAN FORUM
11 on January 30, 2003, but used the alias sparingly. In 2011, TATE
12 again commenced using "Joe Schmengidy" on the HOFFMAN FORUM. On
13 July 19, 2011, HOFFMAN banned TATE as "Joe Schmengidy."

14 (f) TATE, aka "Mrs. Rukkus," joined the HOFFMAN FORUM on
15 February 16, 2005, but used the alias sparingly. In 2011, TATE
16 again commenced using "Mrs. Rukkus'" on the HOFFMAN FORUM. On
17 July 20, 2011 HOFFMAN banned TATE as "Mrs. Rukkus."

18 **JAMIE TATE'S CONDUCT AFTER BEING BANNED FROM THE HOFFMAN FORUM**

19 38. After the April, 2010 TATE ban from the HOFFMAN
20 FORUM, commencing in April, 2010 and continuing to the present,
21 TATE, either identified as defendant TATE or as one or more of
22 TATE's aliases, commenced to post a series of libelous (false)
23 statements directed at the honesty, integrity, and competence of
24 AUDIO FIDELITY's mastering and re-mastering procedures. TATE also
25 posted a series of libelous statements as to the quality and the
26 process to achieve that quality as to MORADA's recordings.

27 39. MORADA first sets forth TATE's statements and then
28 alleges MORADA's interpretation of the TATE statements, the

1 innuendo, and MORADA then alleges facts demonstrating that the
2 readers of TATE's libelous statements would understand (the
3 statements) as defamatory (the inducement).

4 40. MORADA pleads in the alternative libel per se, or
5 libel per quod, and provides allegations of "innuendo," and
6 "inducement," should the court find that TATE's libel is not libel
7 per se.

8 41. From April, 2010 to the date of this complaint, TATE
9 published and re-published TATE's libel as to MORADA in several
10 national and international forums: (1)AMAZON.COM; (2) IMWAN; and
11 (3) SPEAKEASY FORUM, among others.

12 (a) On May 17, 2010 (Ex. No. 10), referencing M/AF:

13 DEFENDANT TATE: "... They were given the old
14 Columbia CD from the 1980s to use as their
15 source. I made a discovery about its origins
16 and thought it was important to share. ...The
17 song 'Homeward Bound' fades in on this CD
18 unlike the recent Sundazed LP made using the
19 true original analog masters." (*Emphasis*
20 *added.*)

21 (1) TATE had no basis for his statement, which was
22 false. TATE did not know the source of the M/AF recording, which
23 was not, as TATE stated, the Columbia CD from the 1980s. Sony
24 provided to M/AF the identical source provided by Sony to Sundazed.

25 (b) On October 31, 2010 (Ex. No. 11), in reference to
26 MORADA's Phil Collins 2010 gold CD being announced for release on
27 November 30, 2010:

28 DEFENDANT TATE: "Yet another flat transfer from
29 AF. Don't we already have a flat transfer of
30 this album on CD? Yeah, I thought so."
31 (*Emphasis added.*)

32 ///

1 (1) TATE's innuendo is that MORADA's sound
2 engineers do not undertake extensive technical and artistic effort
3 in creating the MORADA product, and TATE'S innuendo is that all
4 that occurred in creating the MORADA audio product is that a person
5 took a source of and simply transferred the sound from an existing
6 source to a new source without undertaking any technical or
7 artistic effort.

8 (2) The term "flat transfer" implies that there was
9 nothing undertaken by MORADA other than the simple act of re-
10 recording a presently existing sound without undertaking any
11 artistic or mechanical effort to improve the sound. The M/AF
12 transfer was from an analogue or digital source, and required
13 considerable artistic decisions as well as sonic tonality
14 adjustments, using years of mastering experience to create the new
15 master.

16 (c) On November 2, 2010 (Ex. No. 12), in reference to
17 MORADA's "52nd Street":

18 (d) November 1, 2010 as to M/AF:

19 DEFENDANT TATE: "You can't just play a tape and
20 hope a pure signal path will outperform the
21 work of a skilled mastering engineer. A murky
tape will always sound bad without proper
mastering." (*Emphasis added.*)

22 (1) The TATE innuendo is that MORADA's engineers do
23 nothing other than simply play a source into a converter to create
24 a new master without undertaking any effort to "master" the sound.
25 TATE's innuendo is that MORADA's engineers are incompetent. TATE's
26 innuendo is that MORADA is misleading its customers by MORADA
27 promoting and advertising the quality of MORADA's mastering and
28

1 sound engineering, when, according to TATE, MORADA undertakes no
2 master sound engineering in creating MORADA's audio products.

3 (2) The TATE statement is false, in that none of
4 the alleged deficiencies exist, and the innuendo is that MORADA's
5 audio master engineers are incompetent.

6 (e) November 6, 2010 as to M/AF (Ex. No. 13):

7 DEFENDANT TATE: "So, if a mastering engineer
8 just does a flat transfer without any further
9 processing why doesn't the mix engineer get
10 credit for mastering? Why is the mastering
11 engineer's name now on the back cover artwork
12 instead of the guy who recorded it? Is the guy
13 who did absolutely nothing to the sound more
14 important than the guy who was responsible for
15 the recording..." (*Emphasis added.*)
16 (Ex. No. 12)

17 (1) The TATE innuendo is that MORADA's audio
18 mastering engineers do "absolutely nothing," that MORADA "simply"
19 "plugs in a machine," and the sound is transferred automatically
20 from the source tape to the "new" M/AF recording. To the contrary,
21 MORADA's sound engineers will spend many hours studying the source
22 tapes, identifying the sounds and adjustments they might make, and
23 will spend considerable time making adjustments to levels of sounds
24 in the source tapes to create a high quality recording. The TATE
25 innuendo is that MORADA "lacks integrity" and "lacks competency" in
26 MORADA's mastering process, and that MORADA is falsely representing
27 that it is attempting to provide a high quality re-mastered sound.

28 (2) TATE identifies the MORADA's engineer: "...the
guy who did absolutely nothing."

(f) December 2, 2010 (Ex. No. 14) as to M/AF:

DEFENDANT TATE: "More homeopathic mastering
from Steve Hoffman."

1 "They unhooked all the gear in the mastering
 2 studio so there's no EQ compression or level
 3 adjustments...Nada!" (*Emphasis added.*) (Ex.
 4 No. 14)

5 DEFENDANT TATE: "The back of the CD should
 6 read, 'Flat transfer done by Stephen Marsh was
 7 supervised by Steven Hoffman'." (*Emphasis*
 8 *added.*)

9 (1) With this often TATE-repeated statement,
 10 "unhooked all the gear in the mastering studio," TATE intends to
 11 indicate falsely that MORADA does not undertake a mastering process
 12 in the creation of MORADA's product, and that MORADA is being
 13 "dishonest" in promoting its product as a professionally re-
 14 mastered product.

15 (g) December 2, 2010, as to M/AF "One Man Dog" (Gold CD)
 16 (Ex. No. 15):

17 DEFENDANT TATE: "The explanation on Steve's
 18 personal website said he 'did extensive pre-
 19 mastering homework perfecting my technique for
 20 the sound of my version of the album.' His
 21 Version? WTF HE DIDN'T DO ANYTHING!!!"

22 DEFENDANT TATE: "How does bypassing all the
 23 gear in the mastering studio and plugging a
 24 tape machine directly into a digital recorder
 25 allow him to take any type of ownership for
 26 this album?" (*Emphasis added.*) (Ex. No. 15)

27 DEFENDANT TATE: "How else would the remastering
 28 engineer get away with simply playing the tape
 29 straight into Pro Tools without any
 30 processing?" (*Emphasis added.*)
 31 (Ex. No. 15)

32 (1) MORADA does not use, and has not used the audio
 33 program "Pro Tools," which is a program of limited sophistication.
 34 TATE's innuendo is that MORADA only uses's "Pro Tools," a program
 35 anyone can purchase, which is not used for professional re-
 36 mastering. TATE's innuendo is that MORADA is being "dishonest"
 37 with its buyers, and that MORADA lacks integrity in MORADA's

1 business where MORADA is representing it is undertaking all efforts
2 to create a very high quality sound.

3 (2) The innuendo is that MORADA, by using HOFFMAN
4 as MORADA's sound engineer, "bypassed all the gear in the mastering
5 studio....," that the MORADA audio engineer did "nothing whatsoever"
6 to master the recording sold by MORADA. TATE's statement suggests
7 MORADA is being dishonest about the creation of its product, and
8 lacks integrity.

9 (h) December 2, 2010 as to AF "Face Value" (Ex. No. 16):

10 DEFENDANT TATE: "Hugh Padgham is a great
11 recording engineer. Want to now how good he is?
12 He recorded and mixed this album with such
13 precision and expertise the remastering
14 engineer who was supposed to remaster this \$30
gold CD decided there was no need to do
anything except push play and transfer (what I
assume to be) a dub of the master tape into
another digital recording."

15 DEFENDANT TATE: "They unhooked all the gear in
16 the mastering studio so there's no EQ,
compression or level adjustments NADA!... I'm a
17 bit dismayed why Audio Fidelity keeps paying
18 thousands of dollars for a mastering engineer
19 to do nothing more than play a tape into
digital converters. In the business we call
that making a safety dub, not mastering."
(Emphasis added.)

20 (1) TATE re-publishes the libel, which is,
21 "...there is no need to do anything but push play and transfer....,"
22 implying no effort by MORADA in the mastering process.

23 (i) December 2, 2010, Amazon.com (Ex. No. 17):

24 DEFENDANT TATE: "Now that we know all you have
25 to do to get mastering credit is push a play
button, we should compile the names of people
26 who play this CD so we can have a complete list
27 of people who should be credited for mastering
this CD. (Emphasis added.) (Ex. No. 17)

28 DEFENDANT TATE: "The majority of the AF's
recent and upcoming releases are flat transfers

1 of tape copies." (I don't now of any actual
2 master tapes being used in quite a while now
except for James Taylor)." (*Emphasis added.*)

3 DEFENDANT TATE: "It's cool to hear a tape copy
4 of the master tape played straight into Pro
5 Tools even if its sounds almost identical to
6 the old Atlantic Target and European CDs you
7 probably already own." (*Emphasis added.*) (Ex.
No. 17)

8 (1) TATE's often repeated statement, "...master
9 tape played straight into Pro Tools..." is intended to imply that
10 MORADA undertakes no effort in its "mastering," that MORADA "lacks
11 integrity in its mastering efforts," and MORADA misleads its
12 customers. MORADA never used "Pro Tools," which is not used for
professional re-mastering.

13 (j) February 4, 2011 (Ex. No. 18) as to Audio Fidelity
14 2011 Gold CD:

15 DEFENDANT TATE: "...that's if he does anything
16 beyond flat transfers anymore." (*Emphasis*
added.)

17 (k) June 17, 2011, as to MORADA (Ex. No. 19):

18 DEFENDANT TATE: "Audio Fidelity is home to the
19 flat transfer mastering." (*Emphasis added.*)

20 DEFENDANT TATE: "I find it funny how they
21 prominently display the mastering engineer's
name on the back cover even though he didn't do
anything."

22 DEFENDANT TATE: "I guess at some point his name
23 became a brand and they use it as advertisement
24 even though Stephen Marsh is doing what little
work there is to be done with a flat transfer."

25 TATE'S LIBEL AS TO PLAINTIFF MORADA

26 42. California Civil Code §45 identifies libel as:

27 "...a false and unprivileged publication by
28 writing... which exposes any person to hatred,
contempt, ridicule, or obloquy, or which causes

1 him to be shunned or avoided, or which has a
2 tendency to injure him in his reputation."

3 43. Civil Code §45 (a), Libel on its face, provides:

4 "A libel which is defamatory of the plaintiff
5 without the necessity of explanatory matter,
6 such as an inducement, innuendo or other
7 extrinsic fact is said to be a libel on its
8 face."

9 44. In California, "a corporation's right and redress
10 against defamation is well established." Vegod Corp. v. American
11 Broadcasting Companies Inc., 25 Cal. 3d 763, at 770, 160 Cal.Rptr.
12 97, 603 P. 2d 14 (1979).

13 "At least in this case governed by California
14 substantive law, there is no distinction
15 between the protectable interests in reputation
16 of corporations, and the former as much as the
17 later may recover special, general and punitive
18 damages." (Citations) Vegod Corp., supra, at
19 770.

20 45. "A corporation can be libeled by statements which
21 injure its business reputation." Barnes-Hind Inc., v. Superior
22 Court, 181 Cal.App. 3d 377, 381 (1986) "It is possible to commit
23 libel per se in the course of business competition." Barnes-Hind,
24 supra, at 381 (citing to) Roseberg v. J. C. Penny Co., 30 Cal.App
25 2d 609, 619-622 (1939).

26 46. Jurisprudence as to libel of a business provides a
27 distinction between two (2) types of statements as to business
28 entities:

(1) "Statements made to goods or products....";

and

(2) "Statements ... which impute to him (the
business) in connection with the sale of such
goods, fraud, dishonesty or questionable
business methods...." Barnes Barnes-Hind Inc.
v. Superior Court, 181 Cal.App. 3d 377, 385,

1 (that is directed to the business's '...
2 dishonesty lack of integrity or
3 incompetence...')." Polygram, supra, at 550.
(Emphasis added.)

4 47. Plaintiff MORADA alleges California Civil Code §45
5 libel against TATE resulting from TATE's statements which assert or
6 imply MORADA's "dishonesty," "lack of integrity," or
7 "incompetence," or which imply that MORADA uses "questionable
8 business methods" in the creation of its audio products. Barnes-
9 Hind, Inc., supra at 386.

10 48. MORADA alleges libel per se or, in the alternative,
11 libel per quod.

12 49. Plaintiff MORADA asserts that TATE's publications
13 are libel per se, and that MORADA need not plead or prove special
14 damages.

15 50. In the alternative, MORADA alleges special damages
16 as defined by California Civil Code §48(a). As a result of the
17 TATE's libel, MORADA:

18 "... [H]as 'suffered pecuniary loss in its
19 business' as a manufacturer and distributor of
20 audio recordings in that plaintiff [MORADA] has
21 lost customers and there has been a sharp
22 decline in the number of new customers which
23 would normally be expected to purchase
24 [MORADA's] products [sufficient allegation of
25 "special damages" for libel], O'Hara v. Storer
26 Communications Inc., 231 Cal.App 3d 1101, at
27 1112 (1991)).

28 51. MORADA as well alleges that MORADA has been damaged
by the wrongful acts of TATE.

52. Certain of TATE's libelous comments are directed to
MORADA's audio product in which MORADA's audio engineer was Kevin
Gray ("GRAY").

1 58. Plaintiff alleges that TATE published, re-published,
2 and continues to re-publish, numerous disparaging and derogatory
3 comments as to the quality of MORADA's audio products, which are
4 not true. Defendant TATE's publications of adverse, libelous
5 statements of MORADA's audio products constitute trade libel,
6 and/or product disparagement.

7 59. Defendant TATE has published false statements as to
8 the quality of MORADA's audio products, harmful to the interests of
9 MORADA, intending the publication of the TATE statements to result
10 in harm to MORADA, in which TATE knew that the statements made by
11 TATE were false, or TATE acted in reckless disregard of its truth
12 or falsity.

13 60. MORADA "... has suffered pecuniary loss in its
14 business" as a manufacturer and distributor of audio recordings in
15 that plaintiff MORADA has lost customers and there has been a sharp
16 decline in the number of new domestic and international customers
17 which would normally be expected to purchase MORADA's products
18 (sufficient allegation of "special damages," for libel), O'Hara v.
19 Storer Communications Inc., 231 Cal.App 3d 1101, at 1112 (1991)).

20 61. MORADA has been damaged by the acts of TATE.

21 62. The acts of TATE were intentional, willful, and made
22 with the intent to harm. MORADA is entitled to punitive damages.

23 WHEREFORE, MORADA prays for:

24 1. Injunctive Relief precluding defendant TATE from
25 undertaking to engage in libelous acts as to MORADA, asserting that
26 MORADA has acted falsely, asserting false statements as to MORADA's
27 product and remastering process;

28 ///

2. For damages;
3. For special damages;
4. For punitive damages;
5. For attorneys' fees;
6. For costs of suit; and
7. For other relief that the Court deems just and proper.

Dated: September 14, 2011

Respectfully submitted:

LAW OFFICES OF ALLEN HYMAN

By:



Allen Hyman, Esq.
Attorneys for Plaintiff, MORADA
MUSIC, LLC

DEMAND FOR JURY TRIAL

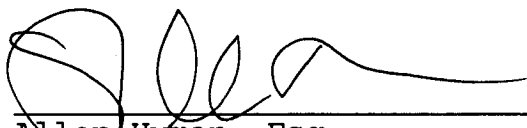
Pursuant to F.R.C.P. Rule 38, PLAINTIFFS request a trial
by jury.

Respectfully Submitted,

LAW OFFICES OF ALLEN HYMAN

DATED: September 14, 2011

By:


Allen Hyman, Esq.
Attorneys for Plaintiff, MORADA
MUSIC, LLC

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	AFZ054	Second Helping	LYNYRD SKYNYRD	24K GOLD CD	24.99	7 80014 20542 3
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(update 9/6/11)

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	MRD 104	America's Treasure	JUDY GARLAND	CD	9.98	7 80014 21042 7
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NEUFUTUR MAGAZINE

Stevie Wonder – Fulfillingness’ First Finale (Gold CD)

James McQuiston / February 1st, 2011

We receive a number of different reissues at NeuFutur. Many of them deal with the ephemera (pictures, lost tracks, live performers) from a particular era in the musician’s life. However, Audio Fidelity’s release of this slept-on Wonder classic has no additional tracks or other aural (or visual) goo-gahs. Rather, what the company has done here has provided listeners with the most clear and crisp recording of a Wonder album that I have ever heard.

While listeners will be able to hear the difference from the a vinyl copy or the 2000 remaster of the title even on a pair of iPod headphones, the differences become much more clear when listeners play this disc on their home system. Where fans may kick the disc over to a groovier track like “Boogie On Reggae Woman”, I found myself comparing versions of “Too Shy To Say”. With the track relying more on the interplay between the music and silence, the clarification of the Audio Fidelity version becomes much clearer. Listeners would do well also to listen to “Fullfillingness” final track, “Please Don’t Go”. While a “Too Shy To Say” or “It Ain’t No Use” are great in that they showcase the musical side of Wonder, I contend that the much more vocal-heavy “Too Shy To Say” has had its landscape changed the most by Audio Fidelity’s version. On previous editions of the track, it always felt as if there were some aural artifacts holding back Wonder’s voice. On the 2011 version, I can hear myself standing in the recording booth with Wonder – no limitation of the recording process is present.

The small cost increase of this 24Kt-gold remaster over other versions of this album is nothing compared to the difference in each cut over all extant versions. If you would like to hear “Fulfillingness’ First Finale” as Mr. Wonder intended it, go to your local well-stocked music store and pick up this disc today.

Top Tracks: Heaven Is 10 Zillion Light Years Away, Boogie On Reggae Woman

Rating: 9.5/10

Stevie Wonder – Fulfillingness’ First Finale (CD) / 2011 Audio Fidelity / 10 Tracks / www.audiofidelity.net

EXHIBIT

3

Judas Priest :: Hell Bent For Leather

Date Posted:

February 17, 2010

News Source:

TONEAudio Magazine

It's about time we got something remastered that really kicks ass.

I love 60's and early 70's rock classics as much as anyone, and yes I've got six different pressings of Pink Floyd's Dark Side of the Moon but I think we need a wider range of great rock records with sound quality to match. Kudos to Audio Fidelity and Steve Hoffman for doing a bone crushing job on this Judas Priest classic.

Arguably, one of Priest's most powerful albums (titled Killing Machine in the UK), Hell Bent For Leather features four of the original members of the band, Rob Halford as lead vocalist, bassist Ian Hill and the power lead guitar duo of K.K. Downing and Glenn Tipton.

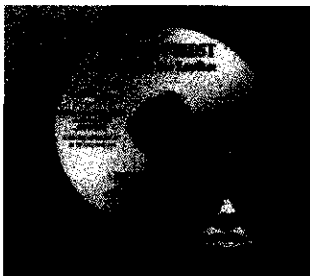
As I just happened to have a very early pressing of the LP (yes, I went and bought it the day it was released) on hand for comparison, the record is somewhat thin in comparison to the CD, but has a tiny bit more air on top. However the AF release is an overall winner, because there is a lot less compression and muddiness to the midrange on the originals, and I'll give up some air to hear both of those lead guitars blazing distinctly in the remaster. As an added bonus, Hill's bass line has more prominence and Halford's screams have a wider range.

So, at your next audiophile listening party when everyone is talking about their new favorite female vocalist, sneak this one in the CD player, and turn it up. I had the big blue meters on my McIntosh MC 1.2 KW's pinned on this one!

I can only hope that Audio Fidelity will produce British Steel and Screaming For Vengeance next!

-*jeff dorgay* Tone Publications

<http://www.tonepublications.com/music/hell-bent-for-leather/>



EXHIBIT

4

Alice Cooper: School's Out

Date Posted:
August 12, 2009
News Source:
MusicTap

The band known as Alice Cooper (before Furnier gathered the name unto himself) led up to a very popular album that contains the anthemic "School's Out," with a very well-defined set of albums (the virtually unknown Easy Action, and Pretties For You (re-packaged in the '70s as School Daze), and the maturing and influential Love It to Death, and Killer). School's Out was wrapped within a theme that became standard operating procedure for the band (and the persona after the demise of the band). The collection of songs were great, were memorable, and is still a favourite amongst Alice Cooper aficionados.

Audio Fidelity has reissued a Hoffman-remastered version of School's Out, adding this brilliant classic to its collection of 24k Gold discs series that benefit greatly from a remastering procedure that Hoffman calls the "breath of life." There is no denying that the procedure and tech used to enhance the original album is a beneficial one as the songs on this reissue of School's Out delivers a clarifying experience that makes it more than a joy to revisit.

The songs within the classic album, School's Out, need no introduction. There are few who haven't heard its very recognizable title track. School's Out was the album that elevated a public to anxiously await, and highly respect (sales-wise, and hits-wise) the subsequent AC release, Billion Dollar Babies. While the band did not have much for legs after Billion Dollar Babies (Muscle of Love may not be as strong an album, but it still worked, and worked better than its given credit), Alice Cooper was forever launched into Rock as the fore-runner of Shock Rock. School's Out was a watermark release, and Audio Fidelity's audio enhancement procedures make this version a stand-out reissue.

I can't say whether this remaster is the greatest one as I don't have every remaster of this album ever released. There are those that know better than I. But I can say this with ease, this Audio Fidelity-released, Hoffman-remastered, numbered Limited Edition version is candy to my ears. And that's great for me. And for you.



EXHIBIT

5

Alice Cooper :: Killer

Date Posted:

November 24, 2009

News Source:

www.metrotimes.com

This 24kt gold CD is a must-own for any Cooper collector or fan, or one who's keen to hear the best fidelity of a killer '70s rock 'n' roll record. It's incredibly well-manufactured, minus all the dynamic-killing compression common to new remasters of albums. The mastering engineer here is Steve Hoffman, whose own very large cult following regularly fellates his work on albums.

On "You Drive Me Nervous," you can hear Alice at his profligate best, all the knowing winks, all the airborne spittle, all the cans of Budweiser. And the lo-fi, glitter-twin guitars — and self-referential Detroit-city strut — of "Be My Lover" just can't sound any better (er, uglier?). How strange to hear *Killer*, which is hardly the most pristine recording to begin with, so detailed, with real separation between the instruments and voices. To (re)hear an album that's so assimilated into the Cooper mythology, so anti-celebrity in its celebrity, and one of the greatest rock 'n' roll albums ever, is to hear a *new* album that just *kills*. This numbered, limited edition stunner (along with *School's Out*, released earlier this year, and *Love it to Death*, which drops Dec. 10) will sell out. Available locally at Dearborn Music, Rock-a-billy's and Flipside Records.

Rock/Pop

Sonic supreme

Last-word versions of classic Motor City related albums

By Brian Smith



EXHIBIT

6

Deep Purple - In Rock (24kt Gold Reissue)

Date Posted:
July 28, 2009
News Source:
Chicago Sun Times

Deep Purple was a rock heavyweight back in the 1970's. They went toe to toe with the progenitors of metal Black Sabbath for supremacy of that genre. Eventually Ozzy and the boys would win that battle but Deep Purple went through many different incarnations over time and they would evolve into something else. I fondly recall reading all of those Circus Magazines asking the question who was best.

In Rock would beat the Black Sabbath classic Paranoid (their first album did not qualify as it was more blues influenced) to the punch, coming out one year earlier. So it was Deep Purple that ushered in the Metal genre with plenty of fireworks with this now legendary recording in 1970.

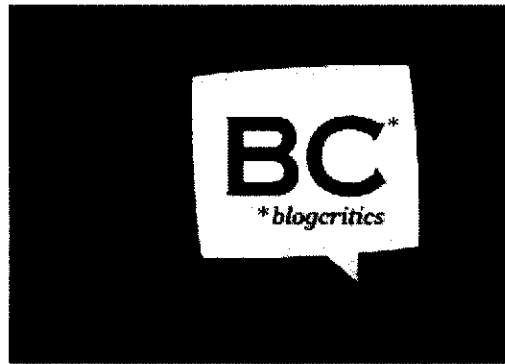
The MK2 lineup of Deep Purple is no doubt the most popular amongst devoted longtime fans and In Rock was a good choice by Audio Fidelity to dedicate their special remastering process to. For those unfamiliar with the label's process, they take the analog masters and put them through a sonically constructed vintage tube playback deck and then their new Kensei Audio Transformer for the ultimate reproduction.

This album is especially powerful in every way and the remaster highlights every nuance with precision. All the members are in vintage form. Ian Gillan was perhaps at his very best on this session. Ian Paice (drums) and Roger Glover (bass) was the outrageous one-two bottom end of the day while Ritchie Blackmore played the most magnificent and recognizable blues influenced rock guitar on the planet at the time. Then of course there was the steadfast Jon Lord providing the necessary mood whenever they needed it in every song. His moody keyboards gave their classic "Child In Time" (check out the live version on Made In Japan) an eerie characteristic that anyone would be hard pressed to duplicate to this day.

The lead off track "Speed King" kicked off the proceedings quite appropriately with Blackmore making his guitar spew out all kinds of distortion. From that point onward Deep Purple would establish themselves as the reigning kings of fire and brimstone rock and metal but just around the corner was Black Sabbath to put their stake in the ground and they would never turn back. Regardless Deep Purple set the table with In Rock and everyone would follow them down the path to rock 'n' roll glory.

My hat is off again to Audio Fidelity for turning a classic album into pure audio gold. It is a true pleasure to hear again and not only for discriminating audiophiles but just good old rock music fans that enjoy the catalog of early Deep Purple.

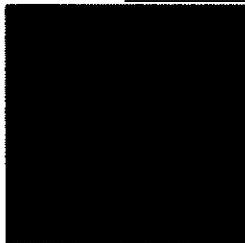




Music Review:

Grateful Dead - *Blues for Allah* and *Shakedown Street* Remastered on 180-Gram LPs

Author: Jon Sobel — **Published:** Jun 28, 2011 at 2:32 pm



BC Music Premium

Marshall Blonstein's Audio Fidelity imprint has just released two beautiful reissues on LP from the Grateful Dead catalog. *Blues for Allah* (1975) and *Shakedown Street* (1978) are available in limited, numbered gatefold-package editions, remastered from the original sound sources onto 180-gram "pure virgin vinyl," with all the original artwork.



All marketing hype aside, they sound gorgeous, with immersive space, crisp highs, full mids, and (considering how effervescent this band was, even—or especially—in the studio) nicely throaty lows. These hefty chunks of black vinyl in their gorgeous packaging should please Grateful Dead fanatics, classic rock album collectors, and audiophiles alike; it's probably safe to say the two albums never sounded better.

From the spacey simplicity of "Franklin's Tower" and the folky easygoingness of "Sage & Spirit" to the classic psychedelia of "Slipknot" and the experimental jazziness of "King Solomon's Marbles," *Blues for Allah* shows off the Grateful Dead at their studio best. Even the spacier and, let's face it, sometimes rather limp material on Side Two—some of which can reach only a brain aloft on hallucinogens—takes on clear new life on this rich-

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

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Forum	Last Post	Threads	Posts
 Music Corner (404 Viewing) The place to discuss music! Be it your favorite recordings, the mastering work of SH, or anything else related to music, this is the place to be.	The Cars--back catalog... by kwadguy Today 01:19 PM 	69,804	2,738,848
 Audio Hardware (85 Viewing) Discussions about all types of audio hardware, from vintage gear to the latest in hi-rez. Discussions regarding CD recorders, media, software, and tweaks are also to be found here.	Anyone compared regular... by preferred user Today 01:14 PM 	15,748	374,529
 Visual Arts (48 Viewing) Discussions about Movies & Television, DVDs, Photography (both digital and film). Basically, if you wish to discuss anything that can be seen, go here! Note: please keep discussions of DVD-A discs in Music Corner.	Spielberg apologizes for... by Ken McAlinden Today 01:19 PM 	8,905	285,662

The Archives

 Music Corner Archive (35 Viewing) Archived threads from Music Corner. Threads are moved to the Archive area after being inactive (no new posts made) for 3-4 months.	Classical Music Corner... by Gary 08-08-2011 06:41 PM 	55,186	1,186,734
 Audio Hardware Archive (28 Viewing) Archived threads from the Audio Hardware forum.	Wharfedale W3 by darkmatter 05-03-2011 06:14 AM 	11,209	164,186
 Visual Arts Archive (6 Viewing) Archived threads from the Visual Arts forum.	Away From Her - depressing... by shokhead 06-04-2007 08:48 AM 	6,080	107,675
 The DCC "Lounge" Archive (2 Viewing) Posts from the old DCC forum from 2001.	MOVE IT ON OVER TO: by Steve Hoffman 01-28-2002 07:02 PM 	920	9,010

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SH Forums Statistics



Threads: 254,631, Posts: 6,495,115, Members: 29,614
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EXHIBIT

9

What's Going On?

ben_wood (54), rediffusion, nagual19 (29)



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Parsley Sage Rosemary & Thyme

Price: \$27.92

Availability: Usually ships in 5 to 10 days

11 used & new from \$22.32

46 of 48 people found the following review helpful:

★★★★ Mastered from an old digital copy of a safety dub..., May 17, 2010

This review is from: Parsley Sage Rosemary & Thyme (Audio CD)

Hey everyone,

When I first got this CD I thought it sounded really similar to the old CD I bought 20 years ago so I loaded a couple songs into Pro Tools to do some comparison listening. That's when I saw they were essentially the same thing. They sync'd up perfectly, the bits all lined up without drift and I could get a significant amount of null between them. The AF CD has been EQ'd slightly to reduce the upper midrange and give more emphasis on the bottom and top end.


I'm not saying this CD is poorly mastered nor am I suggesting you shouldn't buy it, but... it should be known that this rather expensive CD was not sourced from the Original Master Tapes as advertised. It's not even sourced from analog tapes. They were given the old Columbia CD from the 1980s to use as their source. I made a discovery about its origins and thought it was important to share.

And not only is it from a 20+ year old digital transfer they didn't even use the master tapes back then. It's a dub of some sort. Sounds like it's an EQ'd and limited LP tape. The song 'Homeward Bound' fades in on this CD unlike the recent Sundazed LP made using the true original analog masters. The AF came out after the Sundazed LP reissue so why didn't AF use them instead of an old digital dub that's at the very minimum three generations removed?

There's nothing necessarily wrong with issuing CDs from older digital tapes. Every label has done it. But when you market to a specific audience like

audiophiles there's going to be higher expectations. Add to that the statements found on Audio Fidelity's own website and the writing directly on the CD's slipcase that the \$30 disc you just bought is "From The Original Master Tapes" and then discover it's untrue you can't help but feel deceived.

I suggest Audio Fidelity would do a lot better if they were more open about these things. I have plenty of amazing sounding CDs that were sourced from tape copies. Nothing shameful in using safety dubs as long as you're not trying to pass it off as something it isn't. I'm sure everyone here agrees with that.

 [Comments \(15\)](#) | [Permalink](#) | Most recent comment: Dec 5, 2010 8:48 PM PST

IMWAN • View topic - [2010-12-14] Audio Fidelity 2010 gold CD au... <http://www.imwan.com/phpBB3/viewtopic.php?f=17&t=56674&st=0...>

Jamie Tate



Just hangin' around

Joined: 05 Mar 2009

Posts: 336

Location: Nashville, TN

Bannings: SH.tv

Post subject: [2010-12-14] Audio Fidelity 2010 gold CD audiophile remasters

Posted: Sun Oct 31, 2010 4:01 pm

Linda wrote:

Phil Collins' *Face Value* has been announced for November 30th:

Yet another flat transfer from AF. ☹

Don't we already have a flat transfer of this album on CD? Yeah, I thought so.

12

EXHIBIT

11



52nd Street

Price: \$22.75

Availability: Usually ships in 7 to 10 days

12 used & new from \$15.00

16 of 20 people found the following review helpful:

★★★★☆ **Not the definitive version I was hoping for...**, November 2, 2010

This review is from: 52nd Street (Audio CD)

I've always loved the way this album sounded and considered it to be one of the best engineered albums in Billy's catalog but the AF CD of 52nd Street is the worst sounding Billy Joel CD I own. It was the first pop album released on CD way back in the early 80s and it sounded surprisingly nice. The gold Mastersound, '98 remaster and SACD were great too. The SACD has gotten rave reviews from audiophiles for over a decade now. Every previous version of 52nd Street on CD or LP sounded really good.

Now we get this AF gold CD that is about as far away from the SACD and every other CD and LP release of this album as you can get. The AF CD is muffled and restrained and is just so anticlimactic compared to all previous versions. Details in the music have been removed and it lies flat, taking on an almost lazy feel as if the performances have been altered with a slight dosing of Ambien(tm). The overall sound of the AF gold CD is lifeless and out of focus, imprecise and unfinished. The stereo image is blurred and the unpolished sound lets sonic mistakes through. The whole point of mastering is to fix those kind of things. You can't just play a tape and hope a pure signal path will outperform the work of a skilled mastering engineer. A murky tape will always sound bad without proper mastering.

I wish I could better explain how different this CD is. I was not expecting to be so underwhelmed with the tone. Is it really that bad? Yes. I wish I could post some comparison sound clips here so you could hear the differences. You'd wonder why this mastering wasn't rejected. I guess Billy or Phil Ramone didn't have a say. No wonder Billy has used Ted Jensen to master his records for nearly 40 years. This comparison really shows how brilliant his work is.

I find the sound uninvolving and completely unflattering. Yeah, it's probably how it sounded coming off the console in the studio but if I mixed this album I would never want to hear it this way. That may strike you as odd but I much prefer the more detailed and larger presentation of all the previous LPs, CDs and SACD. It's almost unfortunate there's now a CD that presents this music in less than optimal light. If you're a fan of flat transfers and no compression how could you have ever liked the SACD or the remaster or the original Japanese pressing or the vinyl? You liked them because they all sounded fantastic due to Ted Jensen's mastering choices. When the mixes need help you have to know what tools to use and then you can't be afraid to actually use them. A predisposition against compression (one of the two major tools of a mastering engineer) will really handicap the sound. This album not only needed some compression to glue the mixes together but some top end EQ to clear up the mushy sound and give the mixes some much needed clarity. Why wasn't this done? The result is boxy, limp sounding drums, muffled vocals and a less than exciting, bland aural experience.


The AF 52nd Street also has a few technical issues that bother me. There is a lot of new tape damage resulting in several new tape dropouts, a few of which are quite intrusive and should've been fixed. The most noticeable damage is during Stiletto @ 2:26 and 2:30 and the intro of Half A Mile Away. No other version has these dropouts so you can easily fix it if you choose by editing in these sections from older CDs (just remember to turn the bass and treble down significantly).

I'm also hearing some tape drag on a few songs. There are a few spots in My Life (:37 on the word Couldn't) but it's really noticeable on the intro of Zanzibar. Sounds like the adhesive baking of the tape was coming out and needed to be baked.

And get this, the start of the title track is chopped off. The count off of the song is actually at the end of Until The Night. Yup, the indexing is wrong. That's something even my intern knows how to do correctly. Why can't AF fix these things before they release their CDs? If you want to hear the song 52nd Street in its entirety you have to rewind your CD player a few seconds so you can hear Liberty count in the song before Billy starts. It's ridiculous this kind of thing keeps happening with \$30 CDs.

Finally, I'm hearing that the left channel is somewhat muffled on several songs. I'm wondering if the Dolby decoder was aligned properly during mastering. Listen to the song 'Honesty' on headphones and you'll hear more clarity on the piano, acoustic guitar and strings from the right channel. I noticed this left channel muffling on several songs... Stiletto, Half A Mile Away, Honesty, etc...

Whether you like the less polished sound and flat, unsympathetic presentation is a personal choice but due to all these technical problems this AF CD of 52nd Street isn't the definitive version I was hoping for. This CD was a huge disappointment to me.

 [Comments \(11\)](#) | [Permalink](#) | Most recent comment: Mar 4, 2011 2:46 AM PST

#15

Jamie Tate

Post subject: [2010-12-14] Audio Fidelity 2010 gold CD audiophile remasters

Posted: Sat Nov 06, 2010 3:14 pm



Just hangin' around

Joined: 05 Mar 2009

Posts: 314

Location: Nashville, TN

Bannings: SH.tv

Dr. Chris Evil wrote:

I'm intrigued by Face Value, as I've never bought it on CD. But I'll wait until I hear some initial reveiews here based on AF's recent spotty track record.

Didn't Barry Diament do the mastering on the original CD...?

The story, as I understand, was the original CD is supposedly a flat copy. Barry heard it and thought he could improve upon the sound so his version was released as a secret remaster. It's a fantastic record so as long as the mastering engineer stays out of the way I'm guessing most any version will sound varying degrees of great.

So, if a mastering engineer just does a flat transfer without any further processing why doesn't the mix engineer get credit for mastering? Why is the mastering engineer's name now on the back cover artwork instead of the guy who recorded it? Is the guy who did absolutely nothing to the sound more important than the guy who was responsible for the recording and making

mastering (even when there is no EQ or other processing). Trying to "master" in the mix room will not yield the best results in the mastering room. They really are two different things.

Just my perspective of course.

Best regards

Barry

<http://www.soundkeeperrecordings.com>

<http://www.barrydiamentaudio.com>

Hey Barry,

I love when an album I mixed has tracks that remain untouched during mastering. The last couple #1 records I mixed were mastered flat. I'm very proud of that. And I'm all for the mastering engineer leaving my mixes alone as long as they work with the rest of the record. When a song comes off my console I think I've taken it to a place where it's a final product. If it needs to be turned up so the next song doesn't sound too loud that's not really something I could've known while mixing. The two mastering engineers who work on my stuff, Joe Palmaccio and Hank Williams, know when to leave things alone but they're not afraid to use all the tools at their disposal when something needs help. I've seen them have to get gear from the back room for the crappy mix on the album done by the producer on his laptop.

But why does adding .5dB @ 2k require such praise? I guess this all comes down to people on the interwebs not understanding the recording process. For example, the old MCA CD of Who's Next is now known as the SH mastering. All he did was play the tape directly into a 1630 recorder and place a couple PQ index points. Same goes for the recent James Taylor, Phil Collins, Billy Joel and numerous other new "remastered" CDs. It's easy to hear the Billy

Joel CD needed help. How much was paid for nothing to be done during mastering? I know it's none of my business but all this praise for doing nothing is silly. If playing music into a CD recorder is mastering then I do it every day yet I'm not a mastering engineer. I guess it takes somebody else to hit the play and record buttons to get that credit. 😊

More homeopathic mastering from Steve Hoffman., December 2, 2010

By

Joe Schmengidy (Chicago, IL) - See all my reviews

This review is from: Face Value (Audio CD)

Hugh Padgham is a great recording engineer. Want to know how good he is? He recorded and mixed this album with such precision and expertise ~~the remastering engineer who was supposed to remaster this \$30 gold CD decided there was no need to do anything except push play and transfer (what I assume to be) a dub of the master tape into another digital recorder. They unhooked all the gear in the mastering studio so there's no EQ, compression or level adjustments... nada!~~ No matter how much I appreciate restraint during mastering I'm a bit dismayed why Audio Fidelity keeps paying thousands of dollars for a mastering engineer to do nothing more than play a tape into digital converters. In the business we call that making a safety dub, not mastering. He should thank the higher power of his choice for the mastering credit displayed prominently on the back cover artwork. The majority of AF's recent and upcoming releases are flat transfers of tape copies (I don't know of any actual master tapes being used in quite a while now except for James Taylor). Shouldn't he at least add a quarter dB @ 6kHz like he used to so he can talk about adding more musicality and other flowery words to sell his non-mastering style? Heh.

This is a positive review though. This CD sounds fantastic by default. It's not the doing of the non-work of the mastering engineer or the mythical Kensai Audio Transformer or the gold color on the CD. All credit should go to Hugh Padgham. The back of the CD should read, "Flat transfer done by Stephen Marsh who was supervised by Steve Hoffman." And why did they leave Stephen Marsh's name off the CD? Hmm...

Now that we know all you have to do to get a mastering credit is



One Man Dog (Gold CD)

Price: \$19.07

Availability: In Stock

21 used & new from

\$16.10

5 of 10 people found the following review helpful:

******* Yet another flat transfer from Audio Fidelity., December 2, 2010**

This review is from: One Man Dog (Gold CD) (Audio CD)

It seems to be Steve Hoffman's mastering style lately. This CD sounds fantastic but that's due solely to the work of the recording and mix engineers. How else would the remastering engineer get away with simply playing the tape straight into Pro Tools without any processing? In the business that's called making a safety dub.

The explanation on Steve's personal website said he did extensive "pre-mastering homework perfecting my technique for the sound of my version of the album." His version? WTF? HE DIDN'T DO ANYTHING!!! How does bypassing all the gear in the mastering studio and plugging a tape machine directly into a digital recorder allow him to take any type of ownership for this album? Steve Hoffman's mastering is homeopathic.

The back of the CD should read, "Flat transfer done by Stephen Marsh who was supervised by Steve Hoffman." What other mastering engineer masters in tandem with another mastering engineer? And why was Stephen Marsh's name left off the credits?

I'm giving this four stars because it does sound great and the album was surprisingly interesting. Can't wait to see what "remastered" flat transfers Steve Hoffman does in the future. :-/

[Comments \(6\)](#) | [Permalink](#) | Most recent comment: Dec 21, 2010 6:43 PM PST

**EXHIBIT
15**

More homeopathic mastering from Steve Hoffman., December 2, 2010

By

Joe Schmengidy (Chicago, IL) - See all my reviews

This review is from: Face Value (Audio CD)

Hugh Padgham is a great recording engineer. Want to know how good he is? He recorded and mixed this album with such precision and expertise. ~~the remastering engineer who was supposed to remaster this \$30 gold CD decided there was no need to do anything except push play and transfer (what I assume to be) a dub of the master tape into another digital recorder. They unhooked all the gear in the mastering studio so there's no EQ, compression or level adjustments... nada!~~ No matter how much I appreciate restraint during mastering I'm a bit dismayed why Audio Fidelity keeps paying thousands of dollars for a mastering engineer to do nothing more than play a tape into digital converters. In the business we call that making a safety dub, not mastering. He should thank the higher power of his choice for the mastering credit displayed prominently on the back cover artwork. The majority of AF's recent and upcoming releases are flat transfers of tape copies (I don't know of any actual master tapes being used in quite a while now except for James Taylor). Shouldn't he at least add a quarter dB @ 6kHz like he used to so he can talk about adding more musicality and other flowery words to sell his non-mastering style? Heh.

This is a positive review though. This CD sounds fantastic by default. It's not the doing of the non-work of the mastering engineer or the mythical Kensai Audio Transformer or the gold color on the CD. All credit should go to Hugh Padgham. The back of the CD should read, "Flat transfer done by Stephen Marsh who was supervised by Steve Hoffman." And why did they leave Stephen Marsh's name off the CD? Hmm...

Now that we know all you have to do to get a mastering credit is

AMAZON

0 of 28 people found the following review helpful:

5.0 out of 5 stars **More homeopathic mastering from Steve Hoffman.**,
December 2, 2010

By

Joe Schmengidy (Chicago, IL) - See all my reviews

This review is from: Face Value (Audio CD)

Hugh Padgham is a great recording engineer. Want to know how good he is? He recorded and mixed this album with such precision and expertise the remastering engineer who was supposed to remaster this \$30 gold CD decided there was no need to do anything except push play and transfer (what I assume to be) a dub of the master tape into another digital recorder. They unhooked all the gear in the mastering studio so there's no EQ, compression or level adjustments... nada! No matter how much I appreciate restraint during mastering I'm a bit dismayed why Audio Fidelity keeps paying thousands of dollars for a mastering engineer to do nothing more than play a tape into digital converters. In the business we call that making a safety dub, not mastering. He should thank the higher power of his choice for the mastering credit displayed prominently on the back cover artwork. The majority of AF's recent and upcoming releases are flat transfers of tape copies (I don't know of any actual master tapes being used in quite a while now except for James Taylor). Shouldn't he at least add a quarter dB @ 6kHz like he used to so he can talk about adding more musicality and other flowery words to sell his non-mastering style? Heh.

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Now that we know all you have to do to get a mastering credit is push a play button we should compile the names of people who play this CD so we can have a complete list of people who should be credited for mastering this CD. The back cover artwork will have to be updated to include all those names. Wonder if we'll get paid thousands of dollars for our work too? I doubt it. We didn't think to start a music forum with our names on the top of every page.

EXHIBIT

17

Well, that's all I have to say about this CD. It's cool to hear a tape copy of the master tape played straight into Pro Tools even if it sounds almost identical the old Atlantic, Target and European CDs you probably already own. I'm going to go play it, erm, I mean "master" it again right after I finish posting this review. Hrumph!

[View topic - \[2011-09-06\] Audio Fidelity 2011 gold CD au...](#) <http://www.imwan.com/phpBB3/viewtopic.php?f=17&t=69647&st=0...>

Jamie Tate

Post subject: [2011-09-06] Audio Fidelity 2011 gold CD audiophile remasters ☐ Posted: ~~Feb 04, 2011 5:22 pm~~



Just hangin' around

Joined: 05 Mar 2009

Posts: 336

Location: Nashville, TN

Bannings: SH.tv

[Top](#)

DJBryan wrote:

I guess I don't want neutral, as mention from that place I'm banned from.

As a member of the banished club I don't think dull and lifeless is neutral either no matter how much we're told it is.

The ATC monitors Steve was using have always sounded bright and punchy to me. Maybe that's why we're getting such dark and mushy CDs... ~~that's if he does anything beyond flat transfers anymore.~~

EXHIBIT

18

JIMMAN

Jamie Tate Member

Zippy said: ↑

Is it safe to assume that most titles from MFSL aren't flat transfers?
~~Audio Fidelity is home to the flat transfer mastering.~~ I find it funny
how they prominently display the mastering engineer's name on
the back cover even though he didn't do anything. I guess at some
point his name became a brand and they use it as advertisement
even though Stephen Marsh is doing what little work there is to be
done with a flat transfer.

Jamie Tate, Jun 17, 2011

EXHIBIT
19

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Margaret M. Morrow and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

CV11- 7676 MMM (MANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Allen Hyman, Esq. (SBN: 73371)
 Law Offices of Allen Hyman
 10737 Riverside Dr., North Hollywood, CA 91602
 Tel: (818) 763-6289; Fax: (818) 763-4676
 E-mail: lawoffah@aol.com

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

MORADA MUSIC, LLC, a California limited liability
 company,

PLAINTIFF(S)

v.

JAMIE TATE, an individual

DEFENDANT(S).

CASE NUMBER

CV11-07676 MMM (MANX)

SUMMONS

TO: DEFENDANT(S): JAMIE TATE, an individual

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Allen Hyman, Esq., whose address is 10737 Riverside Dr., North Hollywood, CA 91602. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 16 2011

Dated: _____

Clerk, U.S. District Court

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) MORADA MUSIC, LLC, a California limited liability company		DEFENDANTS JAMIE TATE, an individual	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Allen Hyman, Esq. Tel: (818) 763-6289 Law Offices of Allen Hyman 10737 Riverside Dr., North Hollywood, CA, 91602		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input checked="" type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$** To be proven at trial.

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 U.S.C. Section 1332 (a)(1); California Civil Code Section 45; Libel and Trade Libel

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV11-07676

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Tennessee

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  **Date** September 15, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))